

## EXHIBIT 1

# FISH & RICHARDSON P.C.

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VIA EMAIL AND FACSIMILE

February 20, 2008

Christopher J. Lee, Esq.  
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Re: adv. HyperPhrase  
USDC-W.D. Wis. - Civil Action No. 06 C 0199 S

ATLANTA

AUSTIN

BOSTON

DALLAS

DELAWARE

MUNICH

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Dear Chris:

Google intends to file a motion for leave to amend its answer and counterclaims. We will be adding the counterclaims concerning the remaining '889 and '321 patents, which were dismissed without prejudice last January so HyperPhrase could perfect its appeal. We will also be adding the affirmative defenses of license/exhaustion in so far as HyperPhrase is apparently seeking damages based on the use of licensed Microsoft products and/or users.

Please promptly inform me if HyperPhrase intends to oppose Google's motion for leave, or if our motion will be unopposed, as we intend to file it this week.

Very truly yours,

  
Jason W. Wolff

JYW/lqm

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